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made by the government was promulgated March 4, 1849. But before the year was over, December 31, even this paper constitution was abolished. Austria—as it were—developed backward politically, and, still worse, the so-called Concordat with the papacy placed Austria under the dictation of Rome.

It is impossible in the space allotted for this review to follow the numerous ministries, as they rose and fell, and the bitter pangs of the various constitutions as they were still-born, or died shortly after birth. The terrible disasters on the battlefields of Solferino and Magenta in 1859, and at Königgrätz in 1866, which removed Austria from Germany, deprived her of Venetia, and produced a violent “*Kulturkampf*” against the calamitous Concordat, were needed to stop the Great-Austrian policy of repression, to foster inner reforms in the direction of greater liberty, of justice and, through the abolition of the Concordat, of religious freedom. Thus arose the constitution of December 21, 1867, which is still in force today.

Like a red thread there passes through the history of Austria the struggle of the various nationalities for their own home. The various races seek national culture, national administration and national territory. The fulfillment of these fundamental demands means the collapse of Austrian centralization. So long as Austria's official watchword Great German and Great Austrian was identical the Germans were the historical leaders and in natural agreement with the crown. But when the ancient imperial state had passed the momentous years 1866 and 1867 things changed materially. The monarch felt the need to conciliate all the races with his régime, and every concession to Magyars, Slavs, Latins could be made only at the expense of the former *beati possidentes*, the Germans.

HERM. SCHOENFELD.

*Pacific Blockade.* By ALBERT E. HOGAN, LL.D. (Oxford: Clarendon Press. 1908. Pp. 183.)

IN this book the author has discussed a minor topic of international law, fully, fairly and ably. It is the only treatise in English exclusively upon this subject. As the entire body of the law becomes more complex and more bulky, it is desirable that single topics shall be thoroughly worked over rather than general treatises multiplied.

In another particular also the author deserves well of his readers. By a clearly marked division of his matter, he furnishes on the one hand the history of the twenty-one cases of blockade claimed to be pacific, including the official notices of most of them; on the other he gives the arguments pro and con as to this somewhat new form of international coercion, together with what he deems the conclusions fairly drawn from the facts cited. This union of theory and precedent is the ideal treatment for a question in international law.

Briefly the author's views are: that pacific blockade—which is the right to blockade the ports of another state in time of peace and without war necessarily resulting—is too new a practice to have become as yet entirely regularized and its rules formulated; that the state blockaded as well as the blockader, but not the third powers affected, may decline to look upon a specific case of pacific blockade as consistent with peace, and may thus consider war to be a fact; that relief from the obligations of neutrality and of belligerency may make it advantageous to any one of the three interests above mentioned to accept the doctrine of pacific blockade; that, notice, effectiveness, days of grace, and so on, are to be observed much as in ordinary blockade; that, unlike ordinary blockade, it may be limited to a certain commodity or a certain traffic, *e. g.*, slave trading; that, unlike ordinary blockade, the ships of third powers attempting to run a pacific blockade can only be turned back or at most detained, never seized and confiscated as if war existed; that this kind of coercion is better than war for all parties, and thus, in spite of its lack of logic and long historical warrant, may well be used under more definite rules and regulations.

Except to a person somewhat prejudiced against the entire practice of pacific blockade, Mr. Hogan's fairminded, moderate statement of the case for it may seem very nearly convincing. Yet there are certain objections.

To allow absolutely unrestricted traffic through the lines of a pacific blockade to all ships of third states would in most cases make the blockade so ineffective as to be valueless. On the other hand to place any restriction at all in time of peace upon the commerce of one state with another is not legally permitted to a third state. To claim the privileges of a belligerent, yet declaring no war to exist, is illogical. There is scarcely any limit to the method of coercion which one state may apply to another. But such coercion must restrict the trade of third states only within certain well defined limits even in war.

So far as the application of a pacific blockade by A to B is concerned then, there is no vital objection. C and D, however, need not regard it. The leading modern text-writers, Hall included, say this. Palmerston admitted this in 1846 of the blockade of La Plata. Lord Granville in 1884, as against France in China, said the same. Finally *in re Venezuela* in 1902 Balfour replied to a question in Parliament, "I think it is very likely that the United States Government will think there can be no such thing as a pacific blockade, and I personally take the same view. Evidently a blockade does involve a state of war" (p. 156). Add to these expressions and opinions the fact that the Institut de Droit International, in 1887, adopted a declaration, that in case of pacific blockade the neutral must be allowed to pass it freely, and one is more inclined to argue that the practice is passing away than to agree with Mr. Hogan in seeking to make it regular and legitimate and to

forbid the passage, though not allowing the seizure, of ships of third states. It would appear that this is not a misstatement of the author's position, for he declares (p. 67), "it may therefore be laid down with some degree of assurance that the proper treatment of vessels of third states which attempt to violate a pacific blockade is in any case to turn them away, and perhaps also to detain them until the ends for which the pacific blockade was instituted have been attained and the blockade itself raised".

Yet a little later (p. 71) in his conclusions we are told that "Vessels flying the flag of any state other than those blockading or blockaded may not be interfered with except—(a) In cases where the blockade has been instituted by the concert of Europe; (b) with the consent of the state whose flag they fly, such consent to be implied in the absence of any protest from such state."

It is a pity that the author is not clearer, is not less inconsistent, on this point, for it is the crux of the whole matter.

As for his opinion that the usage of the European concert can make legitimate a doctrine, if that doctrine be in itself illogical and illegitimate, we in America may well disregard it.

T. S. WOOLSEY.

#### BOOKS OF AMERICAN HISTORY

*Acts of the Privy Council of England, Colonial Series.* Volume I., A. D. 1613–1680. Edited through the direction of the Lord President of the Council by W. L. GRANT, M.A., Beit Lecturer in Colonial History in the University of Oxford, and JAMES MUNRO, M.A., University Assistant in History in the University of Edinburgh, under the general supervision of ALMERIC W. FITZROY, C.V.O., Clerk of the Privy Council. (London: Wyman and Sons. 1908. Pp. xxxix, 930.)

AMONG the publications of the British government no single undertaking is likely to be of greater importance to the student of colonial history and policy than the series of *Acts of the Privy Council, Colonial*, of which the first volume is now before us. When completed, the five volumes, covering the period from 1613 to 1783, will be as indispensable as are the *Calendars of State Papers* or the *Reports of the Historical Manuscripts Commission*, and will take their place in the same class as the *Journals of the Continental Congress*. Their value will lie not so much in the additional information furnished as in the view they will give of the Privy Council at work and of the business that came into its hands for adjustment or adjudication. Records of this character, such as the journals of the Board of Trade or the minutes of the Lords Commissioners of the Treasury, are often meagre in all that relates to details of colonial administration. Their entries are fre-